

In Case Number 1:19-cv-852, Case Name LabMD, Inc. v. The Privacy Institute et al
 Party Represented by Applicant: Reed Smith LLP and Jarrod, D. Shaw

(Date)

Addendum to Personal Statement

I am a member, in good standing, of the Maryland Bar (1985, Bar No. 03078) and the District of Columbia Bar (1988, Bar No. 413345). I have never been the subject of any professional discipline. There have been two court proceedings that pertained to my conduct or fitness as a member of the Bar. Both proceedings were dismissed without any adverse action. I make this disclosure nevertheless.

I was an Assistant Federal Public Defender in the District of Maryland from 1985 to 1987. A miscellaneous action was instituted against me by the U.S. Attorney's Office for the District of Maryland arising from efforts to interview a witness in a case who was under some form of federal witness protection. When I learned that this witness had been seen in public in the community where she had formerly resided and was working in a bar/adult entertainment establishment, I asked a trained FPD investigator to attempt to interview her there. The prosecution thought this effort to have been improper and brought a miscellaneous proceeding in the United States District Court for the District of Maryland. There was a hearing and the case was dismissed without any adverse action or finding.

I was a staff attorney at the Public Defender Service from 1987 to 1990. During that time, I handled a case where I had subpoenaed records from a third party. The subpoena required the third party to come to court and bring any relevant records. Alternatively, the subpoena stated that the third party could provide the records to the Public Defender Service voluntarily without having to come to court. The case was stayed for reasons I do not recall. During the period of the stay, the third party contacted me or my investigator and stated that the records were ready for pickup. My investigator picked up the records. The prosecutor thought that this was improper and filed a miscellaneous action against me in the District of Columbia Superior Court. There was a hearing on the matter and the matter was dismissed without any adverse finding or action.

Because the matters occurred thirty years ago or more, I have no records relating to either matter. I attach a copy of my professional bio so that the Court may have information about my career after I left the Public Defender Service in 1990.



HARRIS, WILTSHIRE
& GRANNIS LLP



THOMAS B. MASON

EDUCATION

Columbia Law
School, J.D.

Yale University,
B.A., *cum laude*

Thomas B. Mason is the Chair of Harris, Wiltshire & Grannis LLP's Legal Ethics and Malpractice Group. He represents lawyers and law firms in malpractice, disqualification, disciplinary investigations and prosecutions, partner admissions and departures, and law firm dissolutions. Mr. Mason's disciplinary experience includes matters before the USPTO's Office of Enrollment and Discipline (OED) as well as numerous state bars. He also counsels and advises lawyers and law firms in all of the above areas so as to avoid problems or disputes before they arise. Mr. Mason was named Washington, D.C., Ethics and Professional Responsibility Lawyer of the Year for 2014, 2017, 2019, and Legal Malpractice Law – Defendants Lawyer of the Year for 2018 by *Best Lawyers*. He was also selected to Excellence in Practice for five years by *Super Lawyers*. He has served as an expert in ethics and related issues on numerous occasions.

Some of his most notable representations include:

- On behalf of a national telecommunications carrier, obtained a dismissal at the pleading stage of a claim for nearly \$10 million in outstanding legal fees purportedly due to the former outside counsel.
- Handled dozens of disciplinary complaints and disqualification controversies, obtaining many outright dismissals and often dissuading opposing counsel from filing motions to disqualify.
- Successfully defeated a motion to disqualify brought by one AmLaw 100 firm against another AmLaw firm.
- Litigated numerous malpractice cases at both the appellate and trial level. Obtained dismissals of all counts at the motion to dismiss stage on behalf of multiple clients based on ripeness, causation, and damage issues.
- Regularly represents the District of Columbia Public Defender Service, the Legal Aid Society of the District of Columbia, Bread for the City, and other legal service organizations and their lawyers on a pro bono basis.

Prior to private practice, Mr. Mason worked for the Federal Public Defender for the District of Maryland, where he represented clients in a wide variety of cases, including espionage, civil rights, mail and wire fraud, and controlled substance prosecutions. He went on to join the District of Columbia Public Defender Service where he had an intensive criminal trial and appellate practice.

Mr. Mason is a member of the American Bar Association's Standing Committee on Ethics and Professional Responsibility. Mr. Mason served on the D.C. Bar Legal Ethics Committee from 2006 to 2012, including three terms as Chair from 2009 to 2012. Mr. Mason is currently Chair of the District of Columbia Bar Rules of Professional Conduct Review

Committee. He also served this Committee from 2002 through 2008. During his tenure, the Committee adopted the most extensive revisions to the D.C. Rules of Professional Conduct since the D.C. Bar adopted the Rules in 1991.

Mr. Mason speaks and writes frequently on ethics and malpractice matters. He is a frequent speaker at the D.C. Bar and has also spoken before various sections of the American Bar Association, the Practising Law Institute, the America Law Institute and a number of other bar and industry organizations. He has written on topics such as non-lawyer partners and multiple “of counsel” relationships with different law firms. Mr. Mason has taught ethics and professional responsibility at the Georgetown University School of Law from 2008 to 2016 and has taught various subjects at the National Institute of Trial Advocacy, Columbus School of Law at Catholic University and American University’s Washington College of Law.

He is AV Peer Review rated by *Martindale-Hubbell* with a 5.0 out of 5.0 rating, High Ethical Standing and Highest Level of Professional Excellence.

For Further Information

Contact Details

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of April, 2020, I caused the foregoing Motion for Admission *pro hac vice* to be electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to:

Steven S. Biss
300 West Main Street, Suite 102
Charlottesville, Virginia 22903
Counsel for Plaintiff

and that I caused the foregoing to be served through First Class US Mail on the defendants who have yet to file an appearance in this action:

The Privacy Institute
1209 N. Orange St.
Wilmington, DE 19801-1120

Brian J. Tarquino
23 E Prospect Ave.
Pittsburgh, PA 15205-2333

Tiversa Holding Corp.
PO Box 300
Sewickley, PA 15143

/s/_____

Jared Paul Marx
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